

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-11229 Rossy Elizabeth Andrickson

Chapter 13

#1.00 Hrg re: Motion to avoid junior lien on principal residence with creditor Ditech Financial, LLC

Docket 31

Tentative Ruling:

Grant. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Rossy Elizabeth Andrickson

Represented By
S Renee Sawyer Blume

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-18895 Clifford Ridad Villaflor and Obelia Dizon Villaflor

Chapter 13

#2.00 Hrg re: Motion to avoid junior lien on principal residence with creditor Lenders Direct Capital Corporation

Docket 23

Tentative Ruling:

Grant. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Clifford Ridad Villaflor

Represented By
Julie J Villalobos

Joint Debtor(s):

Obelia Dizon Villaflor

Represented By
Julie J Villalobos

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:11-42878 Daniel J Nyiri

Chapter 13

#3.00 Hrg re: Motion under Local Bankruptcy Rule 3015-1
(n) and (w) to modify plan or suspend plan payments

Docket 100

Tentative Ruling:

Appearances required absent either (1) an agreement with the Chapter 13 Trustee's office to further continue this matter or (2) withdrawal of the motion by the debtor. There is no tentative ruling, but the parties should be prepared to address the issues raised by the Chapter 13 Trustee (dkt. 102).

If you do not appear and the matter is not adequately resolved or continued by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Daniel J Nyiri

Represented By
Randolph L Neel

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:11-49154 Lorenzo Garcia and Sandra M Garcia

Chapter 13

#4.00 Hrg re: Motion under Local Bankruptcy Rule 3015-1
(n) and (w) to modify plan or suspend plan payments

Docket 74

Tentative Ruling:

Appearances required absent either (1) an agreement with the Chapter 13 Trustee's office to further continue this matter or (2) withdrawal of the motion by the debtor. There is no tentative ruling, but the parties should be prepared to address the issues raised by the Chapter 13 Trustee (dkt. 74).

If you do not appear and the matter is not adequately resolved or continued by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Lorenzo Garcia

Represented By
Todd J Roberts

Joint Debtor(s):

Sandra M Garcia

Represented By
Todd J Roberts

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:11-50139 Andre Pashai and Armene Pashai

Chapter 13

#5.00 Hrg re: Motion under Local Bankruptcy Rule 3015-1
(n) and (w) to modify plan or suspend plan payments

Docket 171

Tentative Ruling:

Appearances required absent either (1) an agreement with the Chapter 13 Trustee's office to further continue this matter or (2) withdrawal of the motion by the debtor. There is no tentative ruling, but the parties should be prepared to address the issues raised by the Chapter 13 Trustee (dkt. 173).

If you do not appear and the matter is not adequately resolved or continued by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Andre Pashai

Represented By
Tamar Terzian

Joint Debtor(s):

Armene Pashai

Represented By
James T King
James T King
Tamar Terzian
Tamar Terzian

Trustee(s):

Kathy A Dockery (TR)

Represented By
Kathy A Dockery (TR)

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:11-50405 John Allen Howard, Jr.

Chapter 13

#6.00 Hrg re: Motion under Local Bankruptcy Rule 3015-1
(n) and (w) to modify plan or suspend plan payments

Docket 100

Tentative Ruling:

Appearances required absent either (1) an agreement with the Chapter 13 Trustee's office to further continue this matter or (2) withdrawal of the motion by the debtor. There is no tentative ruling, but the parties should be prepared to address the issues raised by the Chapter 13 Trustee (dkt. 101).

If you do not appear and the matter is not adequately resolved or continued by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

John Allen Howard Jr.

Represented By
Devin Sawdayi

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:12-45555 Ricardo Ponce

Chapter 13

#7.00 Hrg re: Motion under Local Bankruptcy Rule 3015-1
(n) and (w) to modify plan or suspend plan payments

Docket 75

Tentative Ruling:

Appearances required absent either (1) an agreement with the Chapter 13 Trustee's office to further continue this matter or (2) withdrawal of the motion by the debtor. There is no tentative ruling, but the parties should be prepared to address the issues raised by the Chapter 13 Trustee (dkt. 77).

If you do not appear and the matter is not adequately resolved or continued by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Ricardo Ponce

Represented By
Andrew Edward Smyth
William J Smyth

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:13-25437 Georgina B Banez

Chapter 13

#8.00 Hrg re: Motion under Local Bankruptcy Rule 3015-1
(n) and (w) to modify plan or suspend plan payments

Docket 123

Tentative Ruling:

Appearances required absent either (1) an agreement with the Chapter 13 Trustee's office to further continue this matter or (2) withdrawal of the motion by the debtor. There is no tentative ruling, but the parties should be prepared to address the issues raised by the Chapter 13 Trustee (dkt. 124).

If you do not appear and the matter is not adequately resolved or continued by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Georgina B Banez

Represented By
Michael Jay Berger

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:11-20770 Amanda Elizabeth Chapman and Barry Thomas Chapman

Chapter 13

#9.00 Hrg re: Motion to Dismiss

Docket 93

Tentative Ruling:

Revised Tentative Ruling for 10/13/16:

Appearances required. There is no tentative ruling, but the parties should be prepared to address whether they will agree to the terms of payment plan regarding the debtors' unpaid postpetition taxes (see the debtors' response, dkt. 95) and IRS reply (dkt. 96). The debtors should also be prepared to address the status of their 2015 income tax returns.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Amanda Elizabeth Chapman

Represented By
Kevin M Cortright

Joint Debtor(s):

Barry Thomas Chapman

Represented By
Kevin M Cortright
Kevin M Cortright

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:13-12824 Laura M Ramirez

Chapter 13

#10.00 Hrg re: Motion to convert case
from chapter 13 to 7

Docket 58

Tentative Ruling:

Grant. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Laura M Ramirez

Represented By
Carol G Unruh
Carol G Unruh

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-20924 Sam A. Gardian

Chapter 13

#11.00 Hrg re: Motion to convert case from Chapter 13 to 11

Docket 17

Tentative Ruling:

Grant. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Sam A. Gardian

Represented By
Mark T Young
Mark T Young
Mark T Young
Mark T Young
Mark T Young

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:15-27931 Jose Mondragon

Chapter 13

#12.00 Hrg re: U.S. Trustee to Dismiss or Convert Chapter 13
Case for Cause for Non-Compliance With Debtor Audit
Pursuant to 11 U.S.C. Section 1307(c)

Docket 20

Tentative Ruling:

Grant. Appearances required to address (1) whether dismissal or conversion is in the best interests of creditors, (2) whether, if this case is dismissed, such dismissal should be with a bar of 180 days or more under 11 U.S.C. 109(g)(1) or other authority, and (3) whether, if this case is converted, the debtor will be eligible under the "means test" and whether the U.S. Trustee or creditors will be burdened with additional litigation (e.g., to seek an order or judgment denying the debtor's discharge under 11 U.S.C. 727).

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it into this court's final ruling. See LBR 9021-1(b)(1)(B).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Jose Mondragon

Represented By
Rebecca Tomilowitz
Rebecca Tomilowitz

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-17692 Tia Danielle Smith

Chapter 13

#13.00 Hrg re: Motion of creditor IH4 Property West, L.P.
to dismiss case pursuant to 11 U.S.C. §1307(c)
and §109(g) based on bad faith filing

Docket 65

Tentative Ruling:

Grant the motion and dismiss this case with a 180 day bar against being a debtor in bankruptcy under 11 U.S.C. § 109(g) and 1307(c), for the reasons stated by creditor IH4 Property West, L.P. ("IH4") in the motion. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

Key documents reviewed (in addition to motion papers): the debtor's opposition (dkt. 70); the movant's reply (dkt. 71).

Reasons:

The debtor appears to believe that she is entitled to do whatever it takes to stay in the house she occupies, even if she has not paid her mortgage and has no legal right to stay in possession, and even if her bankruptcy case is filed solely for purposes of delay. That is wrong. As difficult as it is to lose a home, that does not justify filing a bankruptcy case solely for purposes of delay.

Put differently, the record before this court establishes that the debtor has willfully failed to appear in proper prosecution of this case, for the same reasons set forth in this court's 9/13/16 tentative ruling (later adopted as this court's actual ruling) on IH4's motion for relief from the automatic stay (see dkt. 60, PDF p. 8):

... IH4 has established ... the debtor's lack of good faith.
She borrowed hundreds of thousands of dollars, defaulted in repaying that loan, and failed to tender funds to stop the

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT...

Tia Danielle Smith

Chapter 13

foreclosure sale, and yet she has lived rent-free in the home for years and continues to do so despite IH4's judgment for unlawful detainer, and now she has filed a bankruptcy case with a patently unconfirmable plan of reorganization and no remotely realistic prospects of being willing or able legitimately to reorganize her finances, and with the sole apparent goal of causing delay or being able to litigate against IH4 without it being able to respond. See dkt. 53 (IH4's Reply), at, e.g., p.13:1-10.

In sum, the debtor has shown a lack of good faith in her attempted abuse of the bankruptcy system. ...

IH4, in its motion to dismiss this case, has examined multiple factors used by courts to determine whether a case has been filed in good faith. In response, the debtor spent over 20 pages repeating arguments pertaining to her state court litigation, none of which addressed the merits of IH4's motion. Only in the last few pages does the debtor address the merits at hand, and then she takes no responsibility for the documents that she initially filed (without an attorney) but instead blames her counsel for not correcting those documents - an apparently impossible task, because the debtor has been unwilling or unable to do anything except seek further delay, including requests to have this Bankruptcy Court re-determine everything that the State courts have before them, which is not a proper use of the bankruptcy system.

For these reasons, and those set forth in IH4's motion, the debtor's case will be dismissed with a 180-day bar to refiling based on her bad faith and willful failure to appear in proper prosecution of this case.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Tia Danielle Smith

Represented By
Kahlil J McAlpin
Kahlil J McAlpin

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT...

Tia Danielle Smith

Kahlil J McAlpin

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-17692 Tia Danielle Smith

Chapter 13

#14.00 Hrg re: Debtor's Motion Pursuant to 11 USC 362(k)(1) for Damages and for Other Relief for Willful Violation of the Automatic Stay and for Determination of Contempt of Court for Violation of the Automatic Stay

Docket 62

Tentative Ruling:

Deny. Appearances are not required.

Proposed order: IH4 is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

Key documents reviewed (in addition to motion papers): the errata (dkt. 68); the opposition of IH4 Property West LP ("IH4") (dkt. 69); the debtor's reply (dkt. 72).

Reasons for denial:

As set forth in greater detail below, the debtor has not established that IH4 did anything that violated the automatic stay in this case. Briefly, the automatic stay generally applies to actions against the debtor, not by the debtor, and although the debtor's initial (very confused) papers filed in this case made it seem that the stay might apply, the debtor has never established that the stay actually did apply at all.

In any event, this court granted relief to IH4 and the debtor to litigate certain issues in State court. It appears that IH4 acted within the scope of that relief, so that is an alternative reason why there was no violation of the automatic stay.

Finally, even if IH4 somehow violated the automatic stay or any other restriction, the only apparent violation would have been to set a hearing in State Court that was then continued. See dkt. 69, p.14:4-14. The debtor has not shown that the temporary scheduling and rescheduling of that hearing caused her any monetary, emotional, or other damage.

(The debtor alleges that she was very traumatized by losing her home,

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT...

Tia Danielle Smith

Chapter 13

and this either triggered deeper traumas or she analogizes to them, all of which allegedly has caused or worsened dental and skin problems. See, e.g., dkt. 62, p.11:19-23, dkt. 72, pp.19:6-20:9. This court recognizes that losing a home is very difficult, but the only alleged violation of the automatic stay was that IH4 set and then continued a hearing in State Court - not the entire loss of the home. Moreover, even if the entire loss of the home were at issue, that appears from the proceedings in the State Courts to be the result of the debtor not paying the mortgage - hundreds of thousands of dollars that she borrowed and failed to pay back - rather than anything done by IH4 or its predecessors in interest.)

The relevant issues are reviewed in greater detail below.

(A) The debtor has not shown that the automatic stay ever applied.

The automatic stay bars various types of acts (11 U.S.C. 362(a), paragraphs (1) through (8)), and the one on which the parties have focused is the prohibition against any action or proceeding "against the debtor that was or could have been commenced before the commencement of the [bankruptcy] case." 11 U.S.C. 362(a)(1) (emphasis added). See also *Parker v. Bain*, 68 F.3d 1131, 1137 (9th Cir. 1995). "All proceedings in a single case are not lumped together for purposes of automatic stay analysis... Multiple claim and multiple party litigation must be disaggregated so that particular claims, counterclaims, cross claims and third-party claims are treated independently when determining which of their respective proceedings are subject to the bankruptcy stay." *Parker*, 68 F.3d at 1137 (quoting *Maritime Elec. Co. v. United Jersey Bank*, 959 F.2d 1194, 1204-5 (3d Cir. 1992)). In *Parker*, the court found that an action by the debtor was not stayed where such action was "a claim by, not against, the debtor, and its successful prosecution would inure to the benefit of the bankruptcy estate." *Parker*, 68 F.3d at 1138 (citation omitted).

The debtor apparently argues that this court has already ruled that the automatic stay applies to the underlying state court action at issue (*Tia Smith v. IH4 Property West LP dba Invitation Homes, et al.*, case no. BC 553608, the "Smith II" case). That is wrong.

One order cited by the debtor denied the debtor's application (dkt. 9) for an order shortening time on her motion to enforce the automatic stay (dkt. 8), but the debtor misconstrues that order (dkt. 14, the "Order Denying OST"). See dkt. 72, PDF pp. 17:10-18:11. This court stated as follows:

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT...

Tia Danielle Smith

Chapter 13

[I]t seems from the last exhibit to the debtor's motion...that the Superior Court has expressly recognized that the automatic stay appears to apply [U]ltimately the determination whether the automatic stay applies is subject to the final decision of the federal courts (see *In re Gruntz*, 202 F.3d 1074 (9th Cir. 2000))....
[Dkt. 14, pp. 1-2, para. 3.a. (emphases added)].

This court again acknowledged that the automatic stay *might* apply to the Smith II case in its orders temporarily granting the debtor's motion for relief from the automatic stay (dkt. 19 p.2:3, 36 p.2, 38 p.1:27-28). In the first of those orders, for example, this court granted relief from the automatic stay "to the extent it applies" to permit both IH4 and the debtor to litigate certain issues, including "responsive papers." See dkt. 19, p. 2:3 & 2:11-15 (emphasis added). Later this court expressly stated that it "has assumed, for the sake of discussion, that the automatic stay applies in various nonbankruptcy actions. But in fact it might not apply for various reasons." Dkt. 60, PDF p. 9 (emphasis added). Accordingly, to the extent the debtor argues that this court has ruled that the automatic stay does apply, she is wrong: the debtor never established that the automatic stay applied - this court just gave the debtor the benefit of the doubt that it might apply, and in fact it does not.

As conceded by the debtor in her pleadings, she commenced the Smith II action against IH4 on 8/4/14. See dkt. 62, PDF p. 10:24-26. Unlike the parties in *Parker*, the record does not reflect that IH4 filed a counterclaim against the debtor in that action. IH4's motion to set aside the temporary restraining order ("TRO") entered in the Smith II case was a continuation of the action commenced by the debtor, the successful prosecution of which "would inure to the benefit of the bankruptcy estate." Accordingly, this court cannot rule that the automatic stay applied at all, let alone find that IH4 willfully violated the automatic stay when it filed its motion to set aside the Smith II TRO, because no stay was in effect as to that state court action.

(2) IH4 was granted relief from the automatic stay, to the extent it applied, by this court on 6/28/16. Alternatively, even supposing for the sake of argument that the automatic stay did apply to the Smith II action, this

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT... Tia Danielle Smith

Chapter 13

court's order entered on 6/28/16 granted relief from the automatic stay to "all interested parties to file responsive pleadings" to the debtor's ex parte application for re-imposition of the preliminary injunction in that matter, including IH4. The pleading the debtor asserts was filed in violation of the automatic stay was IH4's motion to set aside the same preliminary injunction which the debtor sought via her ex parte application to re-impose. See dkt. 62, PDF p. 14:4-6. IH4's motion (dkt. 68, PDF pp. 50- 57) directly responds to the debtor's ex parte application and is certainly a "responsive pleading" addressed by this court's order granting relief from stay entered on 6/28/16 (dkt. 19). In other words, even supposing that the stay applied (which it did not), IH4 had relief from the stay.

(3) Other arguments. For the reasons set forth above, this court does not reach any other arguments made by the debtor, including those related to her standing to contest the foreclosure sale based upon the California Supreme Court's decision in *Yvanova v. New Century Mort. Corp.*, 62 Cal.4th 919 (2016). The debtor's remedy, if any, is in the State Courts.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Tia Danielle Smith

Represented By

Kahlil J McAlpin

Kahlil J McAlpin

Kahlil J McAlpin

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-12678 Ceola Vivian Morgan

Chapter 13

#15.00 Hrg re: Motion to Consolidate Her Sole Proprietorship
with the Nonprofit Corporation, Morgan's Heavenly Home

Docket 48

Tentative Ruling:

Continue to 11/10/16 at 8:30 a.m. to address the following issues.
Appearances are not required on 10/13/16.

Reasons:

(1) Legal analysis

The debtor essentially seeks substantive consolidation of her bankruptcy estate with that of a non-debtor nonprofit corporation. She has not addressed the legal standards for substantive consolidation:

- (a) whether creditors dealt with the debtor and her nonprofit corporation as a single economic unit and did not rely on their separate identity in extending credit; or
- (b) whether the affairs of the debtor are so entangled that consolidation will benefit all creditors.

See *In re Bonham*, 229 F.3d 750 (9th Cir. 2000) (also addressing substantive consolidation with non-debtor); *In re Augie/Restivo Baking Co., Ltd.*, 860 F.2d 515 (2d Cir. 1988) (denying substantive consolidation); *In re Consolidated Auto Recyclers, Inc.*, 123 BR 130, 141-42 (Bankr. D. Maine 1991) (retroactive consolidation to preserve avoidance action).

These issues presumably will require complete disclosure of the historical and present finances and operations of the debtor and the nonprofit corporation, including, for example, when the corporation was formed, whether it has any creditors different from the debtor, whether any creditor has been sent correspondence in the name of the corporation instead of the debtor, whether the "nonprofit" nature of the corporation is sufficiently established, what salary or employment benefits or tax benefits or other things of value the debtor previously or presently obtains from or gives to the corporation, etc.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT... Ceola Vivian Morgan

Chapter 13

(2) Evidence

In addition to the foregoing missing evidence, other evidence in support of the debtor's motion appears to have been omitted. The signature page to the debtor's declaration begins mid-sentence at line 3. See dkt. 48, p. 6. Additionally, the debtor has provided no evidence demonstrating that she currently owns a non-profit corporation called Morgan's Heavenly Home. Neither the debtor's initial schedules (dkt. 11) nor her amended schedules (dkt. 25, 31, 47) appear to list any interest in such non-profit corporation or any information about it (although her latest amended schedules obliquely allude to such an entity).

In addition, the debtor's declaration should address how, despite her declaration in support of her original and several amended bankruptcy schedules, she did not disclose the existence of her corporation until now. That declaration should also address how parties in interest and this court can rely on anything that the debtor asserts if she is so cavalier about her disclosures.

(3) Service

The debtor does not appear to have served all creditors with her motion, nor does that service appear to comply with the applicable rules. See, e.g., Rule 7004(b)(4)&(5) (service on IRS) (see the Court Manual re same).

The tentative ruling is to set a deadline of 10/20/16 for the debtor to serve all creditors with her amended motion, including an amended declaration, and a copy of this tentative ruling.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Ceola Vivian Morgan

Represented By

Michael Avanesian

Michael Avanesian

Michael Avanesian

William S Youkstetter

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT...

Ceola Vivian Morgan

William S Youkstetter
William S Youkstetter

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:09-45022 Michelle Margret Francis

Chapter 13

#16.00 Hrg re: Motion For Contempt For
Violation of Discharge Injunction

Docket 141

***** VACATED *** REASON: Order denying motion for contempt signed
on 9/8/16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Margret Francis

Represented By
Tamar Terzian
Julie Lim

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:12-38039 Silvana Aslanyan

Chapter 13

#17.00 Hrg re: Objection to Claim Number 3
by Claimant Department Stores National
Bank/Macys

Docket 90

Tentative Ruling:

Grant (sustain the claim objection). Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Silvana Aslanyan

Represented By
Thomas B Ure

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:12-38039 Silvana Aslanyan

Chapter 13

#18.00 Hrg re: Objection to Claim Number 7
by Claimant Portfolio Recovery
Associates, LLC

Docket 89

Tentative Ruling:

Grant (sustain the claim objection). Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Silvana Aslanyan

Represented By
Thomas B Ure

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:12-42302 Michael Sanchez and Martha Sanchez

Chapter 13

#19.00 Hrg re: Objection to Claim Number 5
by Claimant Jefferson Capital Systems, LLC.

Docket 61

Tentative Ruling:

Grant (sustain the claim objection). Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Michael Sanchez

Represented By
Thomas B Ure

Joint Debtor(s):

Martha Sanchez

Represented By
Thomas B Ure
Thomas B Ure

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:12-42302 Michael Sanchez and Martha Sanchez

Chapter 13

#20.00 Hrg re: Objection to Claim Number 10
by Claimant Portfolio Recovery Associates,
LLC.

Docket 60

Tentative Ruling:

Grant (sustain the claim objection). Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Michael Sanchez

Represented By
Thomas B Ure

Joint Debtor(s):

Martha Sanchez

Represented By
Thomas B Ure
Thomas B Ure

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:13-32119 Derek Lee Finney and Danielle Helene Frederick

Chapter 13

#21.00 Hrg re: Objection to Claim Number 1
by Claimant Business Funds, Inc.

Docket 141

Tentative Ruling:

Grant (sustain the claim objection). Appearances are not required and, although this court usually permits the tentative rulings to be challenged, no such challenge will be permitted in this instance, for the same reasons previously set forth by this court (see dkt. 141, Ex.C at Ex.1).

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

Key documents reviewed (in addition to motion papers): response of Business Funds, Inc. ("Creditor") (dkt. 151).

Reasons: The debtors report that they have obtained a loan modification and anticipate a dividend to general unsecured creditors (dkt. 141, p.3:22-26), and Creditor does not dispute that it filed a "lien claim only" (dkt. 151, p.1:25) - *i.e.*, it does not assert any general unsecured claim (because that claim was discharged in the debtors' previous chapter 7 case). Meanwhile, there is no dispute that unless and until completion of the debtors' chapter 13 plan Creditor will retain its junior lien (its *in rem* claim). See dkt. 151, p.2:1-14. As Creditor points out, that means it can exercise various remedies in some situations, including if this case is dismissed. The point is, though, that meanwhile the parties have not expressed any actual disagreement on the issue to which the motion is addressed: Creditor is not entitled to receive any portion of any distributions to general unsecured creditors, and it is appropriate for this court to issue an order to that effect, so that the Chapter 13 Trustee has no doubts that this Creditor should not receive any portion of any distributions to general unsecured creditors.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT... Derek Lee Finney and Danielle Helene Frederick

Chapter 13

Debtor(s):

Derek Lee Finney

Represented By
Thomas B Ure

Joint Debtor(s):

Danielle Helene Frederick

Represented By
Thomas B Ure

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:14-10148 Jeffrey Rodriguez

Chapter 13

#22.00 Hrg re: Motion to Disallow Claim #1
of Cavalry SPV, LLC

Docket 55

Tentative Ruling:

Grant (sustain the claim objection) provided that counsel for the debtor/movant must not charge more than a combined total of \$900 for attorney fees and costs because otherwise the costs of objecting to this claim will certainly exceed the present value of the projected distributions on this \$954.79 claim (which depend on the debtor fully performing under the current 100% plan). If counsel intends to charge more, then counsel must contest this tentative ruling (see below). In future, counsel should include a cost/benefit analysis in any claim objection. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Jeffrey Rodriguez

Represented By
William Radcliffe
William Radcliffe

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:14-27135 Jimmie Gates and Joann Gates

Chapter 13

#23.00 Hrg re: Objection to Claim Number 1
by Claimant Cavalry SPV I, LLC

Docket 65

Tentative Ruling:

Grant in part (sustain the claim objection) and deny in part as set forth below.
Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

Proof of claim 1 is disallowed in its entirety on statute of limitations grounds. The debtor's request for an award of attorney's fees against the claimant, however, is denied. It may well be that the debtor is entitled to attorney fees under the applicable contract and law; but the debtor has not provided evidence or cited any authority to that effect.

Note: Movant is cautioned that, in general, Judge Bason requires a "cost/benefit" analysis for any claim objections. In this instance, it appears that the confirmed plan (dkt. 46) provides for a 100% dividend, so Judge Bason is satisfied that any reasonable attorney fees incurred in this matter presumably have produced a net benefit to the bankruptcy estate.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Jimmie Gates

Represented By
Daniel King

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT... Jimmie Gates and Joann Gates

Chapter 13

Joint Debtor(s):

Joann Gates

Represented By
Daniel King
Daniel King

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:15-12457 Carlos Agapito Sanchez and Maria Sanchez

Chapter 13

#24.00 Hrg re: Motion to Disallow Claims
of Midland Funding LLC, Claim #5

Docket 36

Tentative Ruling:

Grant (sustain the claim objection) provided that counsel for the debtor/movant must not charge more than a combined total of \$900 for attorney fees and costs because otherwise the costs of objecting to this claim will certainly exceed the present value of the projected distributions on this \$1,073.61 claim (which depend on the debtor fully performing under the current 100% plan). If counsel intends to charge more, then counsel must contest this tentative ruling (see below). In future, counsel should include a cost/benefit analysis in any claim objection. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Carlos Agapito Sanchez

Represented By
Gary S Saunders

Joint Debtor(s):

Maria Sanchez

Represented By
Gary S Saunders

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:15-12457 Carlos Agapito Sanchez and Maria Sanchez

Chapter 13

#25.00 Hrg re: Debtor's motion to disallow claim #1
of Midland Credit Management

Docket 35

Tentative Ruling:

Grant (sustain the objection). Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

Note: Movant is cautioned that, in general, Judge Bason requires a "cost/benefit" analysis for any claim objections. In this instance, it appears that the confirmed plan (dkt. 46) provides for a 100% dividend, so Judge Bason is satisfied that any reasonable attorney fees incurred in this matter presumably have produced a net benefit to the bankruptcy estate.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Carlos Agapito Sanchez

Represented By
Gary S Saunders

Joint Debtor(s):

Maria Sanchez

Represented By
Gary S Saunders

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-17589 Miguel Alcantara Ortega

Chapter 13

#26.00 Hrg re: Objection to Claim Number 1
by Claimant Cavalry SPV, LLC

Docket 24

Tentative Ruling:

Grant (sustain the objection). Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Miguel Alcantara Ortega

Represented By
Thomas B Ure

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-18902 Victor Luna Rivera

Chapter 13

#27.00 Hrg re: Objection to Claim Number 1
by Claimant Cavalry SPV I, LLC as
assignee of Wells Fargo Bank

Docket 18

Tentative Ruling:

Grant in part (sustain the claim objection) and deny in part as set forth below.
Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

Proof of claim 1 is disallowed in its entirety on statute of limitations grounds and alternatively due to insufficient evidence of the assignment of this debt to the claimant. The debtor's request for an award of attorney's fees against the claimant, however, is denied. It may well be that the debtor is entitled to attorney fees under the applicable contract and law; but the debtor has not provided evidence or cited any authority to that effect.

Note: Movant is cautioned that, in general, Judge Bason requires a "cost/benefit" analysis for any claim objections. In this instance, the proposed plan (dkt. 15) provides for a 100% dividend, so Judge Bason is satisfied that any reasonable attorney fees incurred in this matter presumably have produced a net benefit to the bankruptcy estate.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Victor Luna Rivera

Represented By
Raj T Wadhvani

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT... Victor Luna Rivera

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-19481 Mildred Dionisio

Chapter 13

#28.00 Hrg re: Debtor's motion for order disallowing claim
filed by IQ Data International, Inc. [Claim No. 1]

Docket 16

Tentative Ruling:

Grant (sustain the objection). Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

Note: Movant is cautioned that, in general, Judge Bason requires a "cost/benefit" analysis for any claim objections. In this instance, it appears that the confirmed plan (dkt. 46) provides for a 100% dividend, so Judge Bason is satisfied that any reasonable attorney fees incurred in this matter presumably have produced a net benefit to the bankruptcy estate.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Mildred Dionisio

Represented By
Daniel King

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:15-11545 Abel Simental

Chapter 13

#29.00 Hrg re: Application for supplemental fees

Docket 45

Tentative Ruling:

Deny. Appearances required, as stated in the order setting this hearing (dkt. 51), to address what procedures have been implemented to assure that in future the applicant is not double-billing. This court presumes that counsel will not bill anything for the time or expenses related to this matter. If that is incorrect then counsel must explain why at the hearing.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Abel Simental

Represented By
Rebecca Tomilowitz

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:15-21370 Bonny Jularbal-Cooper

Chapter 13

#30.00 Hrg re: Application for supplemental fees

Docket 47

Tentative Ruling:

Grant. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

This court notes that future supplemental fee applications, absent objection, need not be set for hearing. See Local Bankruptcy Rule 3015-1(v)(2), (w)(1).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Bonny Jularbal-Cooper

Represented By
Nima S Vokshori
Nima S Vokshori

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-12330 Rosa Zamora

Chapter 13

#31.00 [Case dismissed on 8/10/2016]

Hrg re: Application for final attorney fees

Docket 25

Tentative Ruling:

Grant. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Rosa Zamora

Represented By

Luis G Torres

Luis G Torres

Luis G Torres

Luis G Torres

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-13153 Vicente Hernandez

Chapter 13

#32.00 Hrg re: Application for Compensation

Docket 26

Tentative Ruling:

Grant. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Vicente Hernandez

Represented By
Luis G Torres
Luis G Torres
Luis G Torres
Luis G Torres

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-16088 Janet Anacleto Ibarra

Chapter 13

#33.00 [CASE DISMISSED 8/26/16]

Hrg re: Application for final fees and/or expenses

Docket 26

Tentative Ruling:

Grant, subject to the caveats provided below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

Reasons: The applicant seeks \$1,200 for unpaid services performed pursuant to the Rights and Responsibilities Agreement ("RARA," dkt. 12).

First, Judge Bason recognizes that the judges of this court have many different ways of addressing fees post-dismissal or post-conversion (LBR 3015-1(q)(6) and/or 3015-1(v)). For future reference, Judge Bason's procedures are as follows. As an alternative to daily timesheets, Judge Bason also accepts a general statement (a) that all RARA services were performed (except any services that normally would be performed post-confirmation) and (b) that the case was dismissed or converted due to factors outside of the control of the applicant (e.g., the debtor was unable to continue making plan payments). In addition, the application can be done on a "negative notice" basis ("scream or die") per LBR 3015-1(q)(6).

Second, because the applicant elected to file timesheets in this matter, this court notes that some time entries are for services such as filing and serving documents. Such services are clerical/secretarial in nature and are noncompensable. See 28 C.F.R. pt. 58, app. A(b)(5)(vii) (1996) (providing that expenses in the nature of "secretarial and other clerical services" are nonreimbursable), *available at* www.justice.gov/sites/default/files/ust/legacy/2013/06/28/1996_Fee_Guidelines.pdf. The applicant is cautioned that future fees may be disallowed on that basis; but in this instance that is irrelevant because the applicant has voluntarily discounted his fees.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT...

Janet Anacleto Ibarra

Chapter 13

Third, the actual calculation of the fees requested is very confused, although ultimately that does not matter. On Exhibit 1 to the application (dkt. 26, at PDF p.10), the applicant lists the total value of services as either \$3,565 or \$3,805, the total discount as either \$2,205 or \$2,365, and a total fee request of \$1,200 (even though $\$3,805 - \$2,365 = \$1,440$). For purposes of the fee application, this court will assume the applicant billed total fees of \$3,565 and intended to provide a discount of \$2,365, for a total fee request of \$1,200. That dollar amount is allowed.

Fourth and finally, this court notes that the notice attached to the application is also very confused. It cites a variety of rules, some of which are nonexistent or inapplicable. See LBR 3007.1(B) (LBR 3007-1 applies to claim objections) and 9013-1(7) (nonexistent). Citing such rules seems likely to confuse all parties and imposes additional time on this court to review the application.

All of that said, the fees appear to be reasonable and there has been no objection to them, so the tentative ruling is to allow the requested \$1,200 and authorize and direct payment to the extent that funds are available pursuant to LBR 3015-1(q)(6).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Janet Anacleto Ibarra

Represented By
Luis G Torres

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-16577 Heidi Francisca Siegel

Chapter 13

#34.00 Hrg re: Application for payment
of final fees and/or expenses

Docket 29

Tentative Ruling:

Grant. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Heidi Francisca Siegel

Represented By
William H Brownstein

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-21158 Trent Derwin Von-Lee

Chapter 13

#35.00 Order to show cause re dismissal with 180-Day bar

Docket 15

Tentative Ruling:

This court's tentative ruling is to dismiss this case with a 180-day bar to refile for the reasons set forth in the order to show cause (dkt. 15).
Appearances are not required.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Trent Derwin Von-Lee

Pro Se

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-21167 Efren Eguren-Zaragoz

Chapter 13

#36.00 OSC re: Why Debtor Should Not be Sanctioned

Docket 12

Tentative Ruling:

Appearances are not required on 10/13/16.

(1) Dismissal with a bar: The tentative ruling is to dismiss this case with a 180 day bar against being a debtor in bankruptcy (11 U.S.C. 109(g)(1)) for the reasons set forth in the this court's order to show cause (the "OSC," dkt. 12), the response of the U.S. Trustee (dkt. 16), and the Chapter 13 Trustee's declaration regarding the debtor's failure to appear at the meeting of creditors or make any payments (dkt. 17), and because the debtor apparently has not complied with the obligation to update the debtor's current address.

(2) Further proceedings: In addition, the tentative ruling is to reserve jurisdiction regarding possible sanctions and any other proceedings relating to the foregoing, and to continue the hearing to 11/10/16 at 8:30 a.m. to address those issues in view of any further investigation by the U.S. Trustee's (dkt. 16).

(3) Further notice. No later than 10/14/16, the U.S. Trustee is requested and directed to serve a copy of the OSC (dkt. 12) on the debtor at the address discovered during its investigation (2700 Cypress Street, Compton, CA 90220).

This court will prepare an order for dismissal with a bar (reserving jurisdiction as set forth above) after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Efren Eguren-Zaragoz

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT... Efren Eguren-Zaragoz

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:11-34162 Jeffrey Mark Freeman

Chapter 13

#37.00 Cont'd Order to Show Cause Re: Closing
Case for Failure to Prosecute
fr. 07/28/16

Docket 0

Tentative Ruling:

Tentative Ruling for 10/13/16:

Appearances required. There is no tentative ruling, but the debtor's counsel should be prepared to address the status of the motion for violation of discharge injunction and why this court should not re-close this case.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 7/28/16:

Continue this hearing on the order to show cause ("OSC" dkt. 188) to 10/13/16 at 8:30 a.m. based on the debtor's response (dkt. 191). Appearances are not required on 7/28/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Jeffrey Mark Freeman

Represented By
Shai S Oved
James D. Hornbuckle

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:12-42594 Jean Marie Lee

Chapter 13

#38.00 Cont'd hrg re: Motion under Local Bankruptcy Rule 3015-1
(n) and (w) to modify plan or suspend plan payments
fr. 9/15/16

Docket 57

Tentative Ruling:

Tentative Ruling for 10/13/16 (same as for 9/15/16):

Appearances required absent either (1) an agreement with the Chapter 13 Trustee's office to further continue this matter or (2) withdrawal of the motion by the debtor. There is no tentative ruling, but the parties should be prepared to address the issues raised by the Chapter 13 Trustee (dkt. 59) and in the debtor's (untimely) response (dkt. 63).

If you do not appear and the matter is not adequately resolved or continued by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Jean Marie Lee

Represented By
Matthew D Resnik
S Renee Sawyer Blume

Movant(s):

Jean Marie Lee

Represented By
Matthew D Resnik
S Renee Sawyer Blume

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:12-51654 Griselda Renata Burgsteiner

Chapter 13

#39.00 Cont'd hrg re: Objection to Claim Number 6
by Claimant American InfoSource LP.
fr. 09/15/16

Docket 45

***** VACATED *** REASON: Withdrawal of Motion filed on 09/28/2016
(dkt. 51)**

Tentative Ruling:

Party Information

Debtor(s):

Griselda Renata Burgsteiner

Represented By
Michelle A Marchisotto
Michelle A Marchisotto
Michael Smith
Michael Smith

Movant(s):

Griselda Renata Burgsteiner

Represented By
Michelle A Marchisotto
Michelle A Marchisotto
Michael Smith
Michael Smith

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:12-51654 Griselda Renata Burgsteiner

Chapter 13

#40.00 Cont'd hrg re: Objection to Claim Number 5
by Claimant American InfoSource LP
fr. 09/15/16

Docket 39

***** VACATED *** REASON: Withdrawal of Motion filed on 09/28/2016
(dkt. 52)**

Tentative Ruling:

Party Information

Debtor(s):

Griselda Renata Burgsteiner

Represented By
Michelle A Marchisotto
Michelle A Marchisotto
Michael Smith
Michael Smith

Movant(s):

Griselda Renata Burgsteiner

Represented By
Michelle A Marchisotto
Michelle A Marchisotto
Michael Smith
Michael Smith

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:12-51654 Griselda Renata Burgsteiner

Chapter 13

#41.00 Cont'd hrg re: Objection to Claim Number 4
by Claimant American InfoSource LP.
fr. 09/15/16

Docket 41

***** VACATED *** REASON: Withdrawal of Motion filed on 09/28/2016
(dkt. 54)**

Tentative Ruling:

Party Information

Debtor(s):

Griselda Renata Burgsteiner

Represented By
Michelle A Marchisotto
Michelle A Marchisotto
Michael Smith
Michael Smith

Movant(s):

Griselda Renata Burgsteiner

Represented By
Michelle A Marchisotto
Michelle A Marchisotto
Michael Smith
Michael Smith

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:12-51654 Griselda Renata Burgsteiner

Chapter 13

#42.00 Cont'd hrg re: Objection to Claim Number 8
by Claimant American InfoSource LP.
fr. 09/15/16

Docket 43

***** VACATED *** REASON: Withdrawal of Motion filed on 09/28/2016
(dkt. 53)**

Tentative Ruling:

Party Information

Debtor(s):

Griselda Renata Burgsteiner

Represented By
Michelle A Marchisotto
Michelle A Marchisotto
Michael Smith
Michael Smith

Movant(s):

Griselda Renata Burgsteiner

Represented By
Michelle A Marchisotto
Michelle A Marchisotto
Michael Smith
Michael Smith

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:13-38567 Monica Jo Meeks

Chapter 13

#43.00 Cont'd hrg re: Motion under Local Bankruptcy Rule 3015-1
(n) and (w) to modify plan or suspend plan payments
fr. 09/15/16

Docket 32

Tentative Ruling:

Tentative Ruling for 10/13/16 (same as for 9/15/16):

Appearances required absent either (1) an agreement with the Chapter 13 Trustee's office to further continue this matter or (2) withdrawal of the motion by the debtor. There is no tentative ruling, but the parties should be prepared to address the issues raised by the Chapter 13 Trustee (dkt. 34).

If you do not appear and the matter is not adequately resolved or continued by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Monica Jo Meeks

Represented By
Devin Sawdayi

Movant(s):

Monica Jo Meeks

Represented By
Devin Sawdayi

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:14-29414 Kathy Banuelos

Chapter 13

#44.00 Cont'd hrg re: Motion for order authorizing trustee
to compromise controversy
fr. 09/15/16

Docket 89

Tentative Ruling:

Tentative Ruling for 10/13/16:

Appearances required. Telephonic appearance **by the chapter 7 trustee and his counsel in the companion case of Pedro Salcido (2:15-bk-24374-NB) only** are permitted if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

At the 9/15/16 hearing on the settlement motions, this court directed the parties to meet and confer regarding an addendum to their settlement agreement(s) and/or a motion to modify the debtor's chapter 13 plan to (1) defer somewhat the debtor's attorney's fees, (2) provide that \$45,000 will be paid via the debtor's chapter 13 plan to Mr. Salcido's chapter 7 estate, and (3) address any increased disposable income, among other things. The parties should prepare to address the status of their negotiations.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 9/15/16:

Appearances required. Telephonic appearance **by the chapter 7 trustee and his counsel in the companion case of Pedro Salcido (2:15-bk-24374-NB) only** are permitted if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

This court has reviewed the debtor's supplemental declarations (dkt. 98, 99) filed in support of the amended motion to approve compromise of controversy (dkt. 92). There is no tentative ruling, but the parties should be prepared to

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT... Kathy Banuelos

Chapter 13

address this court's concerns detailed in its order (dkt. 95) setting for hearing the motion to approve compromise of controversy filed in this case, incorporating by reference this court's order in the companion case of Pedro Salcido (2:15-bk-24374-NB, dkt. 88).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Kathy Banuelos

Represented By
Ramiro Flores Munoz

Movant(s):

Kathy Banuelos

Represented By
Ramiro Flores Munoz

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:15-16957 Susan Germaine Cook

Chapter 13

#45.00 Cont'd hrg re: Objection to Claim Number 6
by Claimant Quantum3 Group, LLC.
fr. 09/15/16

Docket 22

***** VACATED *** REASON: Withdrawal of motion filed on 9/28/16 [dkt. 28]**

Tentative Ruling:

Party Information

Debtor(s):

Susan Germaine Cook

Represented By

Michelle A Marchisotto
Michelle A Marchisotto
Michelle A Marchisotto
Michael Smith
Michael Smith
Michael Smith

Movant(s):

Susan Germaine Cook

Represented By

Michelle A Marchisotto
Michelle A Marchisotto
Michelle A Marchisotto
Michael Smith
Michael Smith
Michael Smith

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:15-16957 Susan Germaine Cook

Chapter 13

#46.00 Cont'd hrg re: Objection to Claim Number 7
by Claimant Quantum3 Group, LLC.
fr. 09/15/16

Docket 24

***** VACATED *** REASON: Withdrawal of motion filed on 9/28/16 [dkt. 29]**

Tentative Ruling:

Party Information

Debtor(s):

Susan Germaine Cook

Represented By

Michelle A Marchisotto
Michelle A Marchisotto
Michelle A Marchisotto
Michael Smith
Michael Smith
Michael Smith

Movant(s):

Susan Germaine Cook

Represented By

Michelle A Marchisotto
Michelle A Marchisotto
Michelle A Marchisotto
Michael Smith
Michael Smith
Michael Smith

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:15-24374 Pedro Salcido

Chapter 7

#47.00 Cont'd hrg re: Chapter 7 Trustee's Motion for Order
Authorizing Trustee to Compromise Controversy
fr. 09/15/16

Docket 83

Tentative Ruling:

Tentative Ruling for 10/13/16:

See tentative ruling for matter no. 44 on 10/13/16, 8:30 a.m.

Tentative Ruling for 9/15/16:

See tentative ruling for matter no. 43 on 9/15/16, 8:30 a.m.

Party Information

Debtor(s):

Pedro Salcido

Represented By
Omero Banuelos

Movant(s):

Howard B Grobstein (TR)

Represented By
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:15-28814 Oswaldo Barba and Jeanne Teran

Chapter 13

#48.00 Cont'd hrg re: Motion to determine secured value of
real property located at 10613 Gridley Road,
Santa Fe Springs, CA 90670
fr. 9/15/16

Docket 55

Tentative Ruling:

Tentative Ruling for 10/13/16:

Deny. Appearances are not required.

The junior lienholder's opposition to the motion (dkt. 59) points out that the debtors have declared under penalty of perjury that they reside at the subject property (dkt. 1) and it does not appear that they rent out their property (dkt. 11, Bankr. Schedules G, I & J), and in addition the motion itself asserts that the lien is at least partially secured (dkt. 55, p.5:1-3), so it appears that under 11 U.S.C. 1322(b)(2) the rights of the junior lienholder cannot be modified.

Note: The junior lienholder argues in the alternative that because it has been granted relief from the automatic stay the debtor should not be permitted to modify its rights using the bankruptcy code. It has cited no authority for that proposition, although this court can conceive of situations in which that would be so (e.g., res judicata might apply if a lien were subject to being stripped off, rather than just stripped down, because then presumably the motion for relief from the automatic stay necessarily raised the issue that no postpetition arrears could be possible because there was no secured claim; but those are not the facts). Because the parties have not adequately presented this issue, this court does not reach it.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 9/15/16:

Continue to 10/13/16 at 8:30 a.m. to address the following issues.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT... Oswaldo Barba and Jeanne Teran

Chapter 13

Appearances are not required on 9/15/16.

Reasons:

(1) Service. The motion papers were not served on the junior lienholder at the address listed on the proof of claim as the address to which notices should be sent. See Rule 2002(g)(1)(A) (Fed. R. Bankr. P.).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Oswaldo Barba

Represented By
James D. Hornbuckle

Joint Debtor(s):

Jeanne Teran

Represented By
James D. Hornbuckle

Movant(s):

Jeanne Teran

Represented By
James D. Hornbuckle

Oswaldo Barba

Represented By
James D. Hornbuckle

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-10355 Kervelle Johnson

Chapter 13

#49.00 Cont'd hrg re: Objection to Claim Number 5
by Claimant Lendmark Financial Services, LLC.
fr. 8/18/16

Docket 35

Tentative Ruling:

Tentative Ruling for 10/13/16:

Grant in part and deny in part as set forth below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

Reasons: The motion is granted: proof of claim 5-2 is disallowed in its entirety. The debtor's request for an award of \$300 in attorney's fees is denied, however, because the debtor has not cited any authority supporting an award of attorney's fees in this instance.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 8/18/16:

Continue to 10/13/16 at 8:30 a.m. to address the following issues.
Appearances are not required on 8/18/16.

Reasons:

(1) Service. According to the proofs of service in the motion (dkt. 35) and notice of motion (dkt. 36), the debtor served this objection to "Zaneathea L. Phillips Murphy, Bankruptcy Specialist, Lendmark Financial Services, LLC. Covington, GA 30014[.]" This is not a complete address. Additionally, this is not the address listed on the proof of claim for where notices should be sent

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT... **Kervelle Johnson** **Chapter 13**

("Lendmark Financial Services, LLC., 2118 Usher Street NW, Covington, GA 30014"). Service must be corrected before this Court can issue an order on the merits.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Kervelle Johnson

Represented By
Bruce A Boice

Movant(s):

Kervelle Johnson

Represented By
Bruce A Boice

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-10993 Michelle Emelle

Chapter 13

#50.00 Cont'd order to show cause re: Dismissal
fr. 2/11/16, 4/7/16, 6/2/16, 07/28/16, 9/15/16

Docket 10

Tentative Ruling:

Tentative Ruling for 10/13/16:

Continue to 11/10/16 at 8:30 a.m. for the reasons stated in the debtor's supplemental response (dkt. 46) and to allow the Bankruptcy Court Clerk's office additional time to close the debtor's concurrent case (2:11-bk-44203-WB). Appearances are not required on 10/13/16.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 9/15/16:

Continue to 10/13/16 at 8:30 a.m. for the reasons stated in the debtor's supplemental response (dkt. 42) and to allow the Bankruptcy Court Clerk's office additional time to enter discharge and close the debtor's concurrent case (2:11-bk-44203-WB). Appearances are not required on 9/15/16.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 7/28/16:

Continue to 9/15/16 at 8:30 a.m. based on the debtor's supplemental response (dkt. 35). Appearances are not required on 7/28/16.

The debtor is cautioned that this case has been pending since 1/27/16 and this Court has continued this matter several times in anticipation of the conclusion of the debtor's other case (2:11-bk-44203-WB) and will not be inclined to continue this matter again.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT... Michelle Emelle

Chapter 13

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 6/2/16:

Appearances required. This Court previously was persuaded to continue this matter in anticipation of the conclusion of the debtor's other pending case (2:11-bk-44203-WB) but that has not happened. Why should this Court not dismiss this case?

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 4/7/16:

Continue to 5/5/16 at 8:30 a.m. for the following reasons. Appearances are not required on 4/7/16.

On 2/11/16, this Court continued this matter in the hope that the debtor's first bankruptcy (2:11-bk-44203-WB) would be concluded and closed. It appears that that is close to occurring, because the debtor just filed an application for a discharge in that case (*id.*, dkt. 121, filed 4/5/16).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Revised Tentative Ruling for 2/11/16:

Dismiss this case, pursuant to this Court's order to show cause re dismissal (dkt. 10). Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

Key documents reviewed (in addition to motion papers): Reply to order to show cause (dkt. 13).

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT... Michelle Emelle

Chapter 13

Reasons for denial:

(1) Law. There is no *per se* rule prohibiting a debtor from having two bankruptcy cases pending at the same time, but property cannot be part of two estates, with two automatic stays competing against one another simultaneously. See *In re Grimes*, 117 B.R. 531, 535-37 (9th Cir. BAP 1990). Sometimes that is not an issue, even in simultaneous cases, because property has already reverted in the debtor before the first case has closed - e.g., in a chapter 7 case after the discharge - so the debtor can file a chapter 13 case while the chapter 7 case is still open. See *id.* But in the present situation the debtor is attempting to maintain two chapter 13 cases simultaneously, which means that the property would exclusively belong to the first estate, but also exclusively belong to the second estate, which is both illogical and impermissible. See *id.*

(2) Good faith. Alternatively, if it were logically possible to have two estates pending at the same time, this Court would have to determine whether this second filing is in good faith. For the following reasons the tentative ruling is that it is not. See *In re McMahan*, 481 B.R. 901, 921 (Bankr. S.D. Tex. 2012) (dismissing chapter 13 case while chapter 11 case was still pending both because of the "single estate rule" and alternatively for lack of good faith).

(a) Curing violation of adequate protection order with payments of 60 months. According to the debtor's response (dkt.13) to the OSC, she and her non-debtor husband have 7 months left in their 1st chapter 13 bankruptcy case (2:11-bk-44203-WB), and they want to pay off their first case (in a lump sum) so that they can discharge their general unsecured claims including the "stripped off" 2d deed of trust on their home. They could not do that in this new bankruptcy case because their home property has appreciated in value: it is now worth approximately \$625,000, minus roughly \$481,000 owed on their 1st deed of trust, leaving roughly \$44,000 in equity, according to their bankruptcy Schedule D (dkt.18 PDF p.11).

These are understandable goals. Unfortunately for the debtors, however, they are seriously behind in payments under the order in their first bankruptcy case providing adequate protection to the holder of the 1st deed of trust (2:11-bk-44203-WB, dkt. 97) and as a result that creditor has been granted relief from the automatic stay to foreclose (*id.*, dkt. 99, 101). That

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT... Michelle Emelle

Chapter 13

creditor denied their application for a further loan modification, so now they are at risk of losing their home because of their failure to abide by the adequate protection order in their first bankruptcy case.

This, they explain, is why the debtor has filed this second bankruptcy case (without her husband, who allegedly would have trouble devoting the time required for this case). The debtor proposes to cure the arrears, allegedly \$39,000, on that 1st deed of trust over 60 months with 0% interest (dkt. 15, p.5). The debtor also proposes to pay some recent general unsecured medical bills (and possibly some student loans that will not be discharged in her first bankruptcy case) over 60 months.

This attempt to evade the adequate protection order in the first bankruptcy case appears inconsistent with the good faith required to have two bankruptcy cases pending simultaneously. To provide some context, it is typical to permit a debtor who falls behind in postpetition payments, but who can show sufficiently reliable evidence of any ability to cure those arrears (e.g., though regaining stable employment), to cure the postpetition arrears over a period of up to 6 months, but that is conditioned on relief from the automatic stay if defaults are not cured within a 14 day period. That is what the adequate protection order in the first bankruptcy case required (2:11-bk-44203-WB, dkt.97, pp.4-5).

This second bankruptcy case would disregard the terms of that order, which by itself is strong evidence of a lack of good faith. In addition, this second bankruptcy case would provide the debtor with a new period of 60 months to cure the postpetition arrears. In addition, although the property allegedly has experienced a dramatic appreciation in value, any reliance on that appreciation to protect the creditor, and excuse the debtors' default, would place on the secured creditor all of the risk of any future decline in home values, and disregard the debtor's failure to abide by the terms of the adequate protection order.

For all of these reasons, this court is not persuaded that the debtor can show a good faith basis for having filed this second bankruptcy case while her first bankruptcy case is pending. Therefore, even if it were permissible to have two competing bankruptcy estates each holding an exclusive interest in the estate property (which is not permissible) it appears that this second bankruptcy case would have to be dismissed for lack of good faith.

(b) Other indicia of lack of good faith: student loans, missing

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT... Michelle Emelle

Chapter 13

income taxes, reliance on unsupported family contributions. The debtor asserts (dkt.13, p.3:11) that she needs to pay student loans (roughly \$46,000 per dkt.18, at PDF p.16, line 6f) but such payments are not included in her plan (dkt.15) (nor are they on her bankruptcy Schedules I&J (dkt.18, at PDF pp.19-22) - which they should not be, but sometimes are, in this court's experience). Therefore, the debtor's plan appears on its face to be infeasible.

The debtor's bankruptcy Schedule I (dkt.18 at PDF p.20) lists no deduction for income tax (perhaps her non-debtor husband's taxes are supposed to cover both of them, but that is not stated anywhere). That same document also lists an alleged family contribution of \$250 per month but there is no evidence that they are willing and able to do so.

For all of these reasons, the tentative ruling is to dismiss this bankruptcy case.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 2/11/16:

This court anticipates posting a tentative ruling at a later time.

Party Information

Debtor(s):

Michelle Emelle

Represented By
Thomas B Ure
Thomas B Ure

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-13239 Pedro Gonzalez

Chapter 13

#51.00 [Case dismissed on 08/25/2016]

Cont'd hrg re: Objection to proof of claim 1-1
of Svetlana Gregoryan
fr. 07/28/16

Docket 33

Tentative Ruling:

Tentative Ruling for 10/13/16:

Deny as moot. On 8/26/16, this case was dismissed (dkt. 55). Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 7/28/16:

Continue to 10/13/16 at 8:30 a.m. to address the following issues.
Appearances are not required on 7/28/16.

Reasons:

(1) Necessity of an objection. Because the debtor's contemplated chapter 13 plan proposes to pay 0% to general unsecured creditors, and because the objected to claim appears to state only a disputed and dischargeable general unsecured claim, it would initially appear unnecessary to bring this motion. However, at the 7/19/16 hearing on the claimant's motion for relief from the automatic stay, debtor's counsel explained his reasoning for objecting to that motion and for bringing this motion.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT... Pedro Gonzalez

Chapter 13

(2) Relief from stay. On 7/19/16, this Court granted this claimant relief from the automatic stay to proceed before the state court as to the merits of the claim. Accordingly, this Court intends to continue this matter pending state court resolution of this claim. By 9/29/16, the claimant shall file a brief status report regarding the status of the state court litigation.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Creditor(s):

Svetlana Gregoryan

Represented By
Alisa Goukasian

BANK OF AMERICA, N.A.

Represented By
Luisa M Amador
William F McDonald
Essa Gye

Courtesy NEF

Represented By
Robert P Zahradka

Debtor(s):

Pedro Gonzalez

Represented By
John Habashy

Movant(s):

Pedro Gonzalez

Represented By
John Habashy

Trustee(s):

Kathy A Dockery (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-15556 Anait Adzhemyan and Samuel Adzhemyan

Chapter 13

#52.00 Cont'd hrg re: Woznicki's Objection
to Adzhemyans' Exemptions
fr. 9/15/16

Docket 57

***** VACATED *** REASON: Continued by order to 11/29/2016 at 11 AM**

Tentative Ruling:

Party Information

Debtor(s):

Anait Adzhemyan

Represented By
Rosie Barmakszian
Rosie Barmakszian

Joint Debtor(s):

Samuel Adzhemyan

Represented By
Rosie Barmakszian

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-17308 Bernardino Godinez and Rosa M Esparza

Chapter 13

#53.00 Cont'd hrg re: Motion to avoid junior lien on
principal residence with creditor
Southstar I, LLC Serviced by Real Time
Resolutions Inc.
fr. 9/15/16

Docket 18

Tentative Ruling:

Tentative Ruling for 10/13/16:

Deny as moot. On 9/15/16, this case was dismissed (dkt. 23). Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 9/15/16:

Continue to 10/13/16 at 8:30 a.m. to address the following issues.
Appearances are not required on 9/15/16.

Reasons: Judge Bason's tentative ruling is to require evidence of property valuation *at or near the petition date* (6/1/2016). The motion's evidence (dkt. 18 Ex. 4) is as of 10/16/2015, which is too old in view of possible intervening circumstances that could have occurred. See *In re Gutierrez*, 503 B.R. 458 (Bankr. C.D. Cal. 2013). The debtor is directed to file and serve a more recent valuation at least two weeks before the continued hearing.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT... Bernardino Godinez and Rosa M Esparza

Chapter 13

Party Information

Debtor(s):

Bernardino Godinez

Represented By
Julie J Villalobos

Joint Debtor(s):

Rosa M Esparza

Represented By
Julie J Villalobos

Movant(s):

Rosa M Esparza

Represented By
Julie J Villalobos

Bernardino Godinez

Represented By
Julie J Villalobos

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-17879 Lisa Perez

Chapter 13

#54.00 Cont'd hrg re: Application for Compensation for
Mark S Martinez, Debtor's Attorney, Period: 6/14/2016 to
9/15/2016, Fee: \$1850, Expenses: \$1850
fr. 09/15/16

Docket 46

Tentative Ruling:

Tentative Ruling for 10/13/16:

Grant as set forth below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

Key documents reviewed (in addition to motion papers): the movant's supplemental declaration (dkt. 61).

Reasons: This court has reviewed the supplemental declaration filed in support of the fee application, and although the applicant's time records do not comply with the local bankruptcy rules and procedures (e.g., LBR 2016-1 (a)(1)(E) (made applicable by LBR 3015-1(v)(2)) and Court Manual section 2.9), and are difficult to review because they mix supplemental services with services that are included within the base fee provided by the RARA, nevertheless the declaration sufficiently addresses this court's prior concerns and the fees appear to be reasonable.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 9/15/16:

Continue to 10/13/16 at 8:30 a.m. to address the following issues.

Appearances are not required on 9/15/16.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT... Lisa Perez

Chapter 13

Reasons:

(1) Missing supporting documentation

The application (dkt. 46, p.2, para. 7) references attached detailed supporting documentation for supplemental fees in the amount of \$1,850. No such documentation is attached (such as detailed daily time records), nor do the fees appear to fall within the presumptively allowable flat fees (and, although the fees appear to be well within the normal range of appropriate fees, there is no explanation in the application for the lack of compliance with the local rules and manual, nor any request to be excused from such compliance). See LBR 3015-1(v)(2) and Court Manual section 2.9.

(2) Substitution of counsel

It is unclear from the application what fees have been charged by prior counsel, whether any such fees have been returned, and whether any of the applicant's fees are duplicative. The applicant is directed to file a very brief declaration (as short as one sentence) addressing those issues.

(3) Procedure

Normally supplemental fee applications need not be set for hearing unless otherwise ordered by this court. See LBR 3015-1(w)(1)(D), incorporating LBR 9013-1(o). In this instance it appears that counsel very appropriately was proactive about setting a hearing because there has been a substitution of counsel and in that circumstance there is an ever-present risk that the cumulative fees might be more than the bankruptcy estate can afford (or otherwise unreasonable).

Judge Bason expects that the foregoing issues can be addressed very briefly. If the applicant files and serves on the Chapter 13 Trustee by 10/3/16 a satisfactory declaration addressing the foregoing items, and attaching daily timesheets, then Judge Bason anticipates allowing the requested fees and taking the continued hearing off calendar.

Judge Bason presumes that the applicant will not charge anything for correcting the application as set forth above. If the applicant has any contrary intent then the applicant must follow the procedures to contest this tentative ruling.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT...

Lisa Perez

Chapter 13

Party Information

Debtor(s):

Lisa Perez

Represented By
Mark S Martinez

Movant(s):

Lisa Perez

Represented By
Mark S Martinez

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-17879 Lisa Perez

Chapter 13

#55.00 Cont'd hrg re: Motion for order determining
value of collateral [11 U.S.C. section 506(a),
FRBP 3012]
fr. 09/15/16

Docket 44

Tentative Ruling:

Tentative Ruling for 10/13/16:

Grant. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

Key documents reviewed (in addition to motion papers): amended proof of service (dkt. 60) demonstrating service on the subject creditor's general agent in accordance with FRBP 7004(b)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 9/15/16:

Continue to 10/13/16 at 8:30 a.m. to address the following issues.

Appearances are not required on 9/15/16.

Reasons:

(1) Service. The motion papers were not served to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment of law (FRBP 7004(b)(3)), at an address that appears to be reasonably calculated to reach the officer (e.g., corporate headquarters). Note: Judge Bason does not require that a specific individual be named -- "Attn: Officer or Managing/General Agent" is sufficient.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT... Lisa Perez

Chapter 13

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Lisa Perez

Represented By
Mark S Martinez

Movant(s):

Lisa Perez

Represented By
Mark S Martinez

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:13-32833 Nicole Haywood-James

Chapter 13

#56.00 Hrg re: Motion to reconsider 180 day bar

Docket 66

Tentative Ruling:

Grant, subject to any objection at the hearing, for the reasons set forth in this court's order setting this hearing (dkt. 69). Appearances required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

Key documents reviewed (in addition to motion papers): This Court's order setting this hearing (dkt. 69); declaration of Harout G. Bouldoukian regarding service of order (dkt. 71).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Nicole Haywood-James

Represented By
Raj T Wadhwani

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-23187 Juan Medina

Chapter 13

#57.00 Hrg re: Motion for relief from stay [UD]

JOHNATHAN PARSON
vs
DEBTOR

Docket 5

Tentative Ruling:

Grant as set forth below, subject to (a) evidence of service pursuant to this court's order setting this hearing on shortened time (the "OST," dkt. 7) and (b) any opposition at the hearing, as provided in the OST. Appearances required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

Key documents reviewed (in addition to motion papers): Declaration of Movant in Support of Motion for Relief from the Automatic Stay, Dkt. 6; this Court's Order Granting Application and Setting Hearing on Shortened Notice, Dkt. 7.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Retroactive relief. Grant the request for retroactive annulment of the stay.

(3) Relief applicable to future bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT... Juan Medina

Chapter 13

laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii) the purchaser of such property at a foreclosure sale, or (iii) a successor in interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). *See generally In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(4) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

(5) Other relief. To the extent that the movant requests other relief, such as dismissal of this case with a bar under 11 U.S.C. 109(g)(1), such relief has not been properly presented, so this court expresses no view on such relief.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Juan Medina

Pro Se

Movant(s):

Johnathan Parson, DBA Andover

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT... Juan Medina

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

2:16-22732 Lorraine Larrissa Castaneda

Chapter 13

#58.00 Hrg re: Motion in Individual Case for Order
Imposing a Stay or Continuing the Automatic
Stay as the Court Deems Appropriate

Docket 11

Tentative Ruling:

Grant on a temporary basis and continue to 11/1/16 at 10:00 a.m. to allow the debtor's creditors additional time to review the motion and respond.

Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

This Bankruptcy Court notes that the debtor was represented by her current counsel in her prior bankruptcy case. The dismissal of her prior bankruptcy case preceded the filing of this case by over one month. Moreover, counsel concedes in the application for order setting this hearing on shortened notice (dkt. 12) that the hearing on the motion could have been calendared on 14 days' notice pursuant to this court's posted procedures if it had been filed the day after the petition was filed. For these reasons, this Bankruptcy Court presumes that counsel will not charge any fees for preparation of the application for order setting hearing on shortened notice or any subsequent documents required to comply with the order shortening time (dkt. 13), or seek reimbursement of any related costs. If that is incorrect, then counsel must appear at the continued hearing and argue why fees are appropriate.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Lorraine Larrissa Castaneda

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

8:30 AM

CONT... Lorraine Larrissa Castaneda

Chapter 13

Thomas B Ure

Movant(s):

Lorraine Larrissa Castaneda

Represented By
Thomas B Ure

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

9:30 AM

2:00-00000

Chapter

**#1.00 PLEASE BE ADVISED THAT THE CHAPTER 13 9:30 AM
CONFIRMATION CALENDAR CAN BE VIEWED ON THE
COURT'S WEBSITE (www.cacb.uscourts.gov) UNDER:
JUDGES>BASON, N.>CHAPTER 13>CONFIRMATION HEARINGS CALENDAR**

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, October 13, 2016

Hearing Room 1545

11:00 AM

2:00-00000

Chapter

**#1.00 PLEASE BE ADVISED THAT THE CHAPTER 13 HEARINGS
at 11:00 AM CAN BE VIEWED ON THE COURT'S WEBSITE
(www.cacb.uscourts.gov) UNDER: JUDGES>BASON, N.>CHAPTER 13**

Docket 0

Tentative Ruling:

- NONE LISTED -